

City of Chicago)
People of Cook County)
) Docket No. 00-0789
Petition for Emergency Rulemaking and)
Expedited Investigation.)
)
Patrick Quinn)
) Docket No. 01-0046
Petition to the Members of the Illinois Commerce)
Commission Pursuant to Section 5-145(b) of the)
Illinois Administrative Procedure Act.)

CHIEF CLERK'S OFFICE

**RESPONSE OF NORTHERN ILLINOIS GAS COMPANY
TO EMERGENCY PETITION FOR INTERLOCUTORY
REVIEW OF THE COOK COUNTY STATE'S ATTORNEY'S OFFICE**

Northern Illinois Gas Company d/b/a Nicor Gas ("Nicor Gas" or "Company") offers the following response to the Emergency Petition For Interlocutory Review Of The Cook County State's Attorney's Office ("Interlocutory Petition"):^{1/}

1. While the relief sought in the Interlocutory Petition is unclear, the Cook County State's Attorney's Office ("CCSAO") appears to suggest that no hearings should be held in Docket No. 00-0789 and that the case should be decided strictly on the basis of comments already filed by the parties. Nicor Gas would not object to this approach, as the Company

^{1/} Because the Petitioner in Docket No. 01-0046 has not joined in the Interlocutory Petition, this response is directed exclusively to Docket No. 00-0789. The Company does not know whether the City of Chicago, one of the Petitioners in Docket No. 00-0789, concurs in the Interlocutory Petition.

believes that a Commission decision based on the parties' comments should result in dismissal of the proceeding or denial of the relief sought in Docket No. 00-0789.

2. To the extent that CCSAO is complaining about the schedule set in Docket No. 00-0789, the fact is that the schedule is already highly expedited and reflects a compromise reached by the vast majority of the parties involved in the proceeding. While Nicor Gas would have preferred a more protracted schedule, the Company was and is willing to accept the middle ground reflected in the schedule set by the Hearing Examiner.

3. As to CCSAO's claim that an "emergency" exists, that contention goes to the substantive predicate of the entire proceeding in Docket No. 00-0789 – i.e., if CCSAO fails to establish that an emergency exists, and the Company believes that CCSAO has failed to do so, the Commission has nothing further to consider. The issue has been extensively addressed in the comments filed by the parties, and Nicor Gas rests on and incorporates by reference its previously filed comments addressing the "emergency" issue.

WHEREFORE, Northern Illinois Gas Company respectfully requests, in the alternative, that the Commission (i) direct that no hearings be held in Docket No. 00-0789 and that the matter be decided based on the comments already filed by the parties; or (ii) deny CCSAO's petition for interlocutory review.

Respectfully submitted,

NORTHERN ILLINOIS GAS COMPANY
d/b/a NICOR GAS COMPANY

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CERTIFICATE OF SERVICE

I, Stephen J. Mattson, hereby certify that a copy of the foregoing Response of Northern Illinois Gas Company to Emergency Petition for Interlocutory Review of the Cook County State's Attorney's Office was served upon the parties listed on the attached Service List, by first class mail, postage prepaid on March 14, 2001.



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